



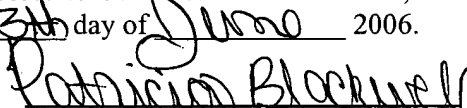
ATTORNEY DOCKET NO. 02200-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Colwell, Betsy P.
Serial No: 09/816,016
Filed: March 23, 2001
For: SELECTIVE BIRD FEEDER
Examiner: Valenti, Andrea M.
Art Unit: 3643

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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RESPONSE

Madam:

The Applicant hereby responds to the Patent Office Letter of February 14, 2006, as extended. Because no further amendments to claims are made, no claims are set forth herein. This response is considered to be complete by responding to the request for information by the Examiner.

In the Patent Office Letter the Examiner has requested clarification relating to two citations namely "Songbird Select" and "Duncraft winter catalog."

Regarding the citation "Songbird Select" this is believed to be taken from the year 2000 catalog of the company Aspects, a competitor of the Applicant. As the Applicant has no way of affirmatively defining the first date of publication of this catalog that date is unknown. However,

this citation does not show the now claimed subject matter relating to the fastening member, as one feature, and the clamp as a second feature. Accordingly, even if this citation is considered as prior art the claims of the present application clearly distinguish over this citation.

Moreover, with regard to the "Songbird Select" citation the Applicant has also indicated that, to their knowledge, the "fastening member" feature of the present invention was not used by Aspects until after the Applicant's product was placed on sale.

Regarding the second citation "Duncraft winter catalog" this is not the Applicant's product but, again is a product of a competitor. The Applicant concedes that the feeders shown in this catalog are prior art because the catalog is one printed in 1999. However, none of the feeders described in this catalog show the feature of the present invention relating to the base fastening member and more particular the use of the threaded plug. On information and belief the Duncraft structures do not employ any threaded plug such as illustrated in FIG. 7A of the present application but instead uses some type of a permanent attachment between the seed holder and the base. The Applicant does not know more precisely when the Duncraft catalog was available to the public but as it is listed as a 1999 catalog, it certainly was available to the public sometime during 1999. The Applicant has made a concerted effort to respond to each and all of the Examiner's questions relating to these references. It is believed that the claims in this application should be found in allowable condition.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant respectfully submits that all of the claims pending in the above-identified application are in condition for allowance, and a notice to that effect is earnestly solicited.

If the present application is found by the Examiner not to be in condition for allowance, then the Applicant hereby requests a telephone or personal interview to facilitate the resolution of any remaining matters. Applicant's attorney may be contacted by telephone at the number indicated below to schedule such an interview.

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The U.S. Patent and Trademark Office is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our deposit account #19-0120.

Respectfully submitted,
Colwell, Betsy P., Applicant

Dated:

June 12, 2006

By:



David M. Driscoll, Reg. No. 25,075
Applicant's Attorney
SALTER & MICHAELSON
321 South Main Street
Providence, Rhode Island 02903
Telephone: 401/421-3141
Facsimile : 401/861-1953
Customer No. 000987

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